

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Megan Ault	Team: Team # 8	CCRB Case #: 200804936	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 04/05/2008 8:40 PM	Location of Incident: § 87(2)(b) between Franklin and Classon Avenue		Precinct: 71	18 Mo. SOL 10/5/2009	EO SOL 10/5/2009
Date/Time CV Reported Sun, 04/06/2008 12:06 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sun, 04/06/2008 12:06 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Frank Bulzoni	02681	936258	071 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Taisha Skyersanderson	19146	943820	071 PCT
2. POF Sasha Diaz	14974	943104	071 PCT
3. POM Brian Stickney	09066	939535	071 PCT
4. POM Paul Parkinson	10589	935466	071 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Frank Bulzoni	Abuse: PO Frank Bulzoni questioned § 87(2)(b)	§ 87(2)(b)
B.POM Frank Bulzoni	Abuse: PO Frank Bulzoni stopped § 87(2)(b)	§ 87(2)(b)
C.POM Frank Bulzoni	Force: PO Frank Bulzoni used physical force against § 87(2)(b)	§ 87(2)(b)
D.POM Frank Bulzoni	Abuse: PO Frank Bulzoni threatened to arrest § 87(2)(b) while at the station house.	§ 87(2)(b)

Synopsis

§ 87(2)(b) called the CCRB to file this complaint on April 6, 2008. His mother, § 87(2)(b) filed a duplicate complaint on his behalf on April 8, 2008.

Around 9:40 PM on April 5, 2008, § 87(2)(b) was walking in the vicinity of § 87(2)(b) when he witnessed PO Frank Bulzoni and PO Taisha Skyers-Anderson placing individuals under arrest. § 87(2)(b) briefly spoke with PO Bulzoni regarding the officer's behavior, and left. Within a short time, § 87(2)(b) returned to the location with the intention of recording PO Bulzoni's identifying information. After he did so, § 87(2)(b) alleged that an officer, identified through investigation as PO Bulzoni, requested his identification (**Allegation A**). In addition, § 87(2)(b) alleged that several officers jumped on him from behind, twisted his arm behind his back, and placed him under arrest (**Allegations B and C**). § 87(2)(b) went to the 71st Precinct stationhouse subsequent to her son's arrest, and spoke with PO Bulzoni. She alleged that PO Bulzoni threatened to arrest § 87(2)(b) her other son, at this time (**Allegation D**).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Summary of Complaint

Complainant/Victim Statement: § 87(2)(b)

§ 87(2)(b) is a § 87(2)(b)-old black male with brown eyes and black hair. He is 6'2" tall and weighs 205 pounds. He provided an initial statement to the CCRB on April 6, made statements to medical personnel on § 87(2)(b) and § 87(2)(b) (encl. 5B-C), and testified in-person at the CCRB April 10, 2008 (encl. 5D). § 87(2)(g)

On April 5th 2008, around 9:40 PM, § 87(2)(b) was in the vicinity of § 87(2)(b) in Brooklyn. He was returning from the store where he had purchased some groceries and was carrying his shopping bags. He saw two marked and one unmarked police car, and 6-7 officers on the street, all in uniform. Two people had been arrested and were in the back seat of one of the patrol cars. § 87(2)(b) did not know why these individuals had been arrested. There were about 30 people from the neighborhood standing across the street and watching the officers. § 87(2)(b) witnessed a uniformed officer, identified through investigation as PO Frank Bulzoni, chasing after and yelling, "Get out of here!" to a young girl. § 87(2)(b) asked PO Bulzoni why he was talking to her like that, and PO Bulzoni responded, "You didn't hear what she said to me." During his initial statement to the CCRB, § 87(2)(b) asserted that he simply smiled at PO Bulzoni as he walked by, and it was the officer who initiated the conversation.

PO Bulzoni began yelling and § 87(2)(b) held up his hand and said, "I don't want to hear it." § 87(2)(b) crossed the street and entered his building. As he did so, he saw that PO Bulzoni had approached the mother of one of the arrested individuals and began yelling at her. § 87(2)(b) decided to obtain PO Bulzoni's shield number. He asked one of his neighbors, a man named § 87(2)(b) for a pen and paper. § 87(2)(b) walked across the street and approached PO Bulzoni, who was still talking to the woman. § 87(2)(b) stood about 5 feet away from PO1 and recorded his shield number, which was something like 2631, and name, "PO Bulzoni." PO Bulzoni was waving his finger at the woman and saying, "You don't

know what your son did.” PO Bulzoni was a white male in his mid-thirties. He was slim, 5’7” tall, had a crew cut and brown hair with blonde streaks “like Jessica Simpson.” He was in uniform and had no facial hair or glasses.

PO2, whom § 87(2)(b) believed was PO Bulzoni’s partner, approached § 87(2)(b) and asked him for identification (**Allegation A**). The investigation has identified PO2 as PO Paul Parkinson of the 71st Precinct. He described PO Parkinson as a 35-year-old black male with glasses. He was 6’2” tall, 235 pounds, chubby, and wore a blue uniform. § 87(2)(b) said, “Why do I have to show you ID? I didn’t do nothing” § 87(2)(b) then turned to walk away. At that point PO Parkinson and two or three other officers jumped on him from behind (**Allegation B**) and pinned him face down against one of the police cars. One of the officers, he does not know who, pulled his arm behind his back, and another twisted his wrist, causing considerable pain (**Allegation C**). Someone then placed handcuffs on § 87(2)(b) and led him toward a car.

His brother § 87(2)(b) tried to approach him at that point to take his personal belongings, and “PO Skyers,” whose name § 87(2)(b) noted at the scene, said to him, “Back up. Back up or I’ll arrest you.” The investigation has determined that the “PO Skyers” is PO Skyers-Anderson of the 71st Precinct. § 87(2)(b) also told his brother to back up. § 87(2)(b) stated that he did not have a problem with the officer saying this and he thought it was reasonable. § 87(2)(b) described PO Skyers-Anderson as a 30-year-old black female with a complexion several shades darker than his own. She was in uniform, about 5’6” tall, had an average build, and wore her hair in a ponytail with bangs.

§ 87(2)(b) was placed in an unmarked car. PO Diaz, whose name § 87(2)(b) noted at the scene, and a supervisor in a white uniform shirt transported him to the stationhouse. The supervisor, LT1, was a white male in his mid-40’s with a long crew cut, and a few pockmarks on his face. He was 5’10” or 5’11”, and a little heavier than PO Bulzoni. § 87(2)(b) did not notice LT1 before being transported. PO Diaz was a 32-year-old Hispanic female who was 5’7” tall, had a slim build, and wore no glasses.

§ 87(2)(b) spent 50 minutes at the stationhouse. PO Bulzoni explained that he was being charged with § 87(2)(b), and issued him a summons. § 87(2)(b) was then released, and he arrived home around 11:05 PM that same night.

§ 87(2)(b) did not request medical attention while in custody. § 87(2)(b) went to § 87(2)(b) because he was experiencing pain in his wrist that was radiating up his arm, to his shoulder, and down his lower back. § 87(2)(b) informed the CCRB that he had no bruising as a result of the incident, but believes that he pinched a nerve while being placed under arrest.

§ 87(2)(b) medical records indicate that he sought treatment at the § 87(2)(b) on § 87(2)(b). He informed medical personnel that he was assaulted and sustained injuries to his chest, right shoulder, right wrist, and right hand. § 87(2)(b) stated that this happened on the street while he was in police custody. According to hospital records, § 87(2)(b) returned on § 87(2)(b). He informed hospital personnel that his wrist was injured when police officers put him in a “wristlock” while they placed him under arrest. He reported experiencing minor pain, and denied any injuries to his head or neck. He had no other injuries.

In addition, § 87(2)(b) provided the names and telephone numbers of the following witnesses: § 87(2)(b), § 87(2)(b); § 87(2)(b), § 87(2)(b). He did not provide contact information for any other witnesses.

Victim Statement: § 87(2)(b)

§ 87(2)(b) is a § 87(2)(b)-old black male with black hair and brown eyes. He is 6’1” tall and weighs 160 pounds. He was interviewed at the CCRB on April 18, 2008 (encl. 7A-E).

Following the incident, § 87(2)(b) went with his mother to the 71st Precinct stationhouse where she spoke with § 87(2)(b) arresting officer, identified by the investigation as PO Bulzoni. Unbeknownst to PO Bulzoni, § 87(2)(b) used his cell phone to record part of this conversation, and played it into the record during his CCRB interview. § 87(2)(b) identified the female voice as belonging to his mother, and the male voice as belonging to the officer who identified himself as the § 87(2)(b) arresting officer, whom he described as a white male with dark spiky hair, 5'10" tall, and 150-160 pounds. The following is a transcript of the recorded conversation § 87(2)(b) played into the record.

Male Voice 1: *This is what happened, ok? I said to her Ma'am get out of here--*

Female Voice 1: *(unintelligible)*

Male Voice 1: *I'm not done! Let me finish. At that time I said Ma'am, get out of here and she leaves, she walks away. I gave her the benefit of the doubt and she left. A gentleman comes up to me, says, "Why are you yelling at her for?" I'm not yelling at her sir, you don't know what you're talking about. Ok? Sir, walk away. He says, "I don't have to walk away, fuck you. I live here." Now if he just wanted to walk away like the girl, he's gone. But no, he won't do that. And then he walks across the street. Now how do I know what he went across the street to get? A gun? A knife? What do I know? If you go across the street yelling at me and you come back, am I supposed to stand there like an idiot? Not knowing what he went to get?*

Female Voice 1: *He came back to get your badge number.*

Male Voice 1: *I'm not stupid enough to stand there when someone comes back at me. If you're going to come back across the street at me then you have to be man enough and say OK I'm going to threaten and deal with the consequences*

Female voice 1: *Do you always get this excited? calm down*

Male Voice 1: *I get this excited when someone comes here not knowing what happened and tries to tell me what happened. The man is at least 35, correct? There's no reason to act like that. I expect that from a 15-year-old who doesn't know any better. There's no reason. The reason we were there in the first place is because one guy was smoking weed and two guys were drinking on your block.*

Female Voice 1: *Yeah but you don't do anything with them*

Male Voice 1: *They're under arrest, Ma'am. What do you mean? They're in our cells. We're there trying to help your block. There's no reason for a 35-year-old man to come into my face like that. It's dangerous out there. We all know that that corner is one of the worst corners in that neighborhood. We all know there's drugs and guns in that neighborhood. So how do I know who that guy is? OK? He could be the nicest guy in the world, or he could be the drug kingpin trying to shoot me. I don't know that. You know what I have. You know I have a gun, handcuffs and a radio. I don't know what he has. You don't get into someone's face when I'm trying to effect three other arrests. That's dangerous. That's how people end up on the eight o'clock news. That's how it happens. It happens that quick, Ma'am. I don't have time to watch my back. Those two blocks have drug dealers that don't want us there. We're bad for business. We're very bad for business. When we go over there and try to clean up that corner we say you're getting summonses, you're under arrest. There were two people drinking and one person smoking. You tell me why that gentleman would get involved in that. Unless he's looking to cause trouble. I don't come to your job, whatever you may do, and get involved.*

CCRB Statement

§ 87(2)(b) stated that on April 5, 2008, at around 9:40 PM he was inside his cousin's apartment at § 87(2)(b). He received a phone call from a friend alerting him that something was happening outside the building. § 87(2)(b) exited the building and saw that his brother, § 87(2)(b) was standing by the rear passenger side of a marked police car, and appeared to be writing something on a piece of paper. Three uniformed officers were nearby, watching him. No conversation was taking place between the officers and § 87(2)(b). There were 5-6 marked police cars; someone had been arrested and placed inside the one § 87(2)(b) was standing next to. § 87(2)(b) was about 50 feet away from his brother at this point. § 87(2)(b) then turned around and walked toward the sidewalk in front of § 87(2)(b).

Two of the officers, PO1 and PO2, followed § 87(2)(b). PO1 was a uniformed white male in his mid 30's with no glasses, no facial hair, around 170 pounds and 6 feet tall. PO2, who later arrested § 87(2)(b) and spoke with § 87(2)(b) and his mother in the precinct, was a uniformed white male

with dark, spiky hair, around 5'10" tall, and weighing 150-160 pounds. The investigation has identified PO2 as PO Frank Bulzoni.

PO1 and PO Bulzoni had a conversation with § 87(2)(b) § 87(2)(b) could not hear what they said, as he was standing across the street, about 50 feet away and their voices were not raised. At one point he could hear § 87(2)(b) say, "getting a badge number." PO1 and PO Bulzoni turned § 87(2)(b) around, pulled his hands behind his back, pushed him against one of the patrol cars, and placed him in handcuffs. § 87(2)(b) did not see who in particular pushed § 87(2)(b) or how they did so. § 87(2)(b) approached § 87(2)(b) and the officers with the intention of collecting his brother's property.

Three additional officers were in the area around § 87(2)(b) PO3 was a uniformed black female in her early 30's with black hair containing blonde highlights in a bun. PO3 was 5'6" tall, 130-140 pounds, and wore no glasses. The investigation has identified PO3 as PO Skyers-Anderson. PO4 was a uniformed Hispanic female with a slim build, dark hair in a ponytail, around 5'7" tall, and appeared in her mid-30's. PO5 was a uniformed Hispanic male around 6'5" tall, 200 pounds, with his hair buzzed on the sides and slightly longer on top. PO5 wore no glasses and appeared 28-29 years-old. The investigation has identified PO5 as PO Paul Parkinson. PO Skyers-Anderson said, "Step back, you can't get the property," to § 87(2)(b) Before he had time to comply, PO Parkinson placed his right hand on § 87(2)(b) chest, pushed him back, and said, "You can't come here." § 87(2)(b) did not fall or stumble as a result. He could not remember the officers saying anything else to him. While this took place, PO1 was searching § 87(2)(b) pockets, and shortly after placed him in one of the patrol cars and left the location.

§ 87(2)(b) went to the stationhouse with his mother, § 87(2)(b) who arrived at the location just as the patrol cars left. They waited for several hours in the waiting area of the stationhouse until PO Bulzoni, who identified himself as § 87(2)(b)'s arresting officer, spoke with them. § 87(2)(b) and his mother asked PO Bulzoni to explain why he arrested § 87(2)(b) PO Bulzoni stated that § 87(2)(b) could have been leaving the location to get a weapon. § 87(2)(b) recorded part of this conversation using his cell phone. The officer was not aware that § 87(2)(b) did so.

The conversation took place in the waiting area of the stationhouse, by a metal gate. § 87(2)(b) cousin § 87(2)(b) was also present. 30-40 seconds after § 87(2)(b) stopped recording, PO Bulzoni stated that § 87(2)(b) could have returned to the scene with a weapon. § 87(2)(b) retorted that a badge could be a weapon, and his mother covered his mouth with her hand to prevent him from further "talking back" to the officer. § 87(2)(b) told § 87(2)(b) to leave the stationhouse. PO Bulzoni became angry and said, "You know what, you have to get out of here. If I see you in here again I'm locking you up" (**Allegation D**).

A black female officer was standing next to PO Bulzoni when he made this remark, and § 87(2)(b) mother and cousin recorded her badge number. § 87(2)(b) waited for his mother outside the stationhouse. He had no further interaction with any of the police officers.

Results of Investigation

Witness Statements: § 87(2)(b)

§ 87(2)(b) is a § 87(2)(b)-old black female with black hair and brown eyes. She is 5'8" tall and weighs 250 pounds. She provided the CCRB with an initial statement on April 8, 2008, and appeared at the CCRB on April 14, 2008 (encl. 6A-F). § 87(2)(g)

§ 87(2)(b) stated that some time in the late evening on April 5, 2008, she received a phone call from her niece stating that her son, § 87(2)(b) had been arrested. She went outside and saw that her son was in the back of a police car in front of § 87(2)(b) in Brooklyn. She noticed 6 marked police cars, but could not say how many officers were present. There were about 20 people watching the incident take place. She went to the 71st Precinct house and spoke with the arresting officer, PO Bulzoni. PO Bulzoni was a 30-year-old white male officer about 5'7" tall with a slim build. PO Bulzoni was in uniform

and had no glasses and no facial hair. She asked why her son was being arrested, and PO Bulzoni asked her if she witnessed the incident. He yelled at her, and said that her son had been arrested for resisting arrest. Her younger son, § 87(2)(b) tried to tell PO Bulzoni something. PO Bulzoni told § 87(2)(b) to, “shut up,” and said, “You’re probably one of the ones hanging out at the corner.” PO Bulzoni told § 87(2)(b) to “get out of the precinct before I throw you out.” This conversation took place in front of the desk inside the precinct house. § 87(2)(b) § 87(2)(b) niece, witnessed this interaction.

During her initial statement to the CCRB, § 87(2)(b) alleged that PO Bulzoni said, “Get out before I arrest you,” to § 87(2)(b) instead of threatening him with force.

§ 87(2)(b) stated that there were several officers who were standing nearby. One of the witnessing officers was a 31-year-old black female named PO Skyer. She had a medium build, was 5’6” tall, and had her hair in a ponytail. § 87(2)(b) did not witness the incident leading to § 87(2)(b) arrest, nor did she see him being arrested.

Witness Phone Statement: § 87(2)(b)

§ 87(2)(b) provided the following phone statement on January 22, 2009 (encl. 8A). On the day in question, § 87(2)(b) exited her apartment building at § 87(2)(b) because she had heard that her son had been arrested. Her son had been placed inside a police car, and she was talking with him through the window. She noticed that § 87(2)(b) was talking with some officers, across the street, and that the officers were speaking loudly. § 87(2)(b) did not have his voice raised. The next time § 87(2)(b) looked up, § 87(2)(b) was being arrested, and noticed that he was pressed against a car. § 87(2)(b) did not know why or how he was arrested, or who arrested him. She could not describe any of the officers who were interacting with § 87(2)(b) because it was dark outside. She remembered seeing three police cars and possibly a marked van at the location, but could not estimate the number of officers present. § 87(2)(b) may have been present; she did not remember seeing him interacting with any officers.

§ 87(2)(b) went to the stationhouse and remembered that § 87(2)(b) and § 87(2)(b) were there as well, talking with one of the officers; she was not listening, however, and could not say what was said.

Attempts to contact additional witnesses

§ 87(2)(b) provided the name and telephone number of a possible witness, § 87(2)(b). However, § 87(2)(b) was unresponsive to the CCRB’s attempts to contact her. The investigation was therefore unable to obtain a statement from § 87(2)(b).

Officer Statement: PO Frank Bulzoni

PO Frank Bulzoni appeared at the CCRB on May 21, 2008. He is a white male with brown hair and brown eyes. He is 5’9” tall and weighs 150 pounds. On April 5, 2008, he worked with PO Skyers-Anderson from 5:30 PM until 2:05 AM the following morning. They were assigned to precinct conditions, which consists of dealing with quality of life issues including the public consumption of alcohol, marijuana use, and public urination. According to his memo book, he was assigned to RMP #4499. At the time of his interview he had been a member of service for over three years.

Memo Book (encl. 9A-C)

PO Bulzoni did not have any entries in his memo book directly related to this incident, but does have the following entry: “2040 1 under for § 87(2)(b)”

Summons (encl. 9D)

PO Bulzoni issued § 87(2)(b) summons #§ 87(2)(b) for “§ 87(2)(b)” at 9:40 PM on April 5, 2008.

CCRB Statement (encl. 9E-F)

Around 8:40 PM on April 5, 2008, PO Bulzoni and PO Skyers witnessed an individual named § 87(2)(b) smoking Marijuana on the sidewalk outside of § 87(2)(b) in Brooklyn. PO Bulzoni and

PO Skyers were in the process of placing § 87(2)(b) in handcuffs and explaining to him why he was being arrested when § 87(2)(b) came running across the street yelling, “What the fuck are you doing? Get off my friend,” and, “fucking cops.” § 87(2)(b) came within 4-5 feet of the officers, and PO Bulzoni told him to stop. PO Skyers was standing next to PO Bulzoni, with § 87(2)(b) and they were all standing on the sidewalk. PO Bulzoni asked § 87(2)(b) to keep his distance, and § 87(2)(b) said, “Fuck you.” § 87(2)(b) then crossed the street and PO Bulzoni lost sight of him. This initial interaction lasted for about 30 seconds.

Thirty seconds later § 87(2)(b) came running toward the officers again and said, “fuck you, get off my corner” and, “all you fucking cops get off my corner.” PO Bulzoni said, “Sir, you are behaving disorderly, let me see some identification.” § 87(2)(b) refused to show his identification, and said, “Fuck you.” § 87(2)(b) was pointing his finger at PO Bulzoni and waving it in the officer’s face. § 87(2)(b) was standing within arm’s reach of PO Bulzoni, close enough that he could have punched the officer. PO Bulzoni asked again for § 87(2)(b) identification and told him again that he was behaving disorderly. § 87(2)(b) said, “No, fuck you, I’m not giving you identification, you’re going to have to arrest me.” A crowd containing at minimum 5 people had formed and were watching the incident. At this point PO Bulzoni decided to place § 87(2)(b) under arrest. PO Bulzoni explained to § 87(2)(b) that he was under arrest for § 87(2)(b). He pulled § 87(2)(b) hands behind his back and placed him in handcuffs. PO Skyers-Anderson may have helped him to put the handcuffs on, though he was uncertain of this. PO Bulzoni did not use any force on § 87(2)(b) besides placing him in handcuffs, nor did other officers use additional force on him. § 87(2)(b) did not resist arrest; PO Bulzoni stated that he would have charged him with resisting arrest if he had done so. PO Bulzoni stated that there were no supervisors on the scene. He remembered PO Stickney and PO Parkinson being present.

PO Bulzoni did not remember any civilian trying to approach § 87(2)(b) after he had been placed in handcuffs. He did know that PO Skyers-Anderson gave § 87(2)(b) possessions to someone either at the station house or the incident location, though he did not know when this took place. PO Bulzoni was shown a photo of § 87(2)(b) but he could not recall if he had interacted with him either at the incident location or the station house. He did not remember PO Skyers-Anderson threatening to arrest anyone at the location. PO Bulzoni stated that no one jumped on § 87(2)(b) from behind during the incident, and no one twisted § 87(2)(b) arm as he was placed in handcuffs. § 87(2)(b) did not complain of any injuries while in police custody. PO Bulzoni also stated that he did not push any civilian on the scene, and he did not witness any other officer do so.

He and PO Skyers-Anderson transported § 87(2)(b) to the precinct. Thirty minutes later § 87(2)(b) mother, § 87(2)(b) arrived at the precinct and asked PO Bulzoni what happened and why he had arrested her son. § 87(2)(b) was with another woman and a young man. PO Bulzoni did not know whether or not this young man was § 87(2)(b). PO Bulzoni told § 87(2)(b) that the corner where he arrested § 87(2)(b) was the worst corner in the precinct, and asked § 87(2)(b) if she wanted the police to address the problem with drugs in her neighborhood. § 87(2)(b) responded yes. PO Bulzoni said to § 87(2)(b) “In doing so why would your 35 year-old son come and yell at us?” PO Bulzoni explained to § 87(2)(b) that her son had come running toward the officers and threatened them as they were trying to make an arrest. PO Bulzoni told § 87(2)(b) that he had not known § 87(2)(b) intention when he approached the officers and started to threaten them, and that he could have had a weapon with him or struck them. PO Bulzoni stated that at the beginning of their conversation § 87(2)(b) had seemed hostile and confrontational, but she became more cordial as their conversation progressed. During the conversation the young man who was with § 87(2)(b) identified through investigation as § 87(2)(b) started making clucking noises with his mouth and § 87(2)(b) told him to leave. PO Bulzoni stated that he neither asked this young man to leave the station house, nor did he threaten to arrest him. PO Bulzoni chose to release § 87(2)(b) with a desk appearance ticket instead of putting him through the system.

Officer Statement: PO Skyers-Anderson

PO Taisha Skyers-Anderson appeared at the CCRB on May 22, 2008. She is a black female with black hair and brown eyes. She is 5’3” tall and weighs 160 pounds. On April 5, 2008, she and her partner, PO Bulzoni, were assigned to conditions auto, and worked from 5:30 PM until 2:05 AM. They were in

uniform and assigned to marked RMP #5784. At the time of her interview she had been a member of service for just under 18 months. Although her name is hyphenated, only the name “Skyers” appears on her shield.

Memo Book (encl. 10A)

PO Skyers-Anderson did not have any entries in her memo book directly related to the incident. She noted the following in her memo book: “2025 one male stopped for open container of alcohol at § 87(2)(b) 2030 96 to § 87(2)(b) DOB § 87(2)(b) 2145 Return of property for perp: § 87(2)(b) to mother...” Also, based on her memo book, PO Skyers was not initially assigned to work precinct conditions with PO Bulzoni: “1800 RMP #1373 w/ PO Feldstyn...; 1930 P/C to conditions auto 2 PO Bulzoni RMP #5784.”

CCRB Statement (encl. 10B-C)

At around 8:50 PM PO Skyers-Anderson and PO Bulzoni noticed someone smoking Marijuana on the street near § 87(2)(b). The person then threw the marijuana cigarette onto the ground. The officers stopped this individual, and spent several minutes looking on the ground for the cigarette. While they did so, § 87(2)(b) approached the officers screaming, “Fuck the cops, you guys are always on this block fucking with us.” § 87(2)(b) was waving his arms around, and a crowd of 10-15 people began to form. PO Skyers-Anderson described § 87(2)(b) as “belligerent.” PO Skyers-Anderson said, “Sir, back away, you’re not involved. Please step away,” and asked him to cross the street. § 87(2)(b) complied, allowing the officers to continue searching the ground for the marijuana cigarette, which they found within a short time. The officers then placed the man who had been smoking the cigarette, § 87(2)(b) under arrest. As they placed him in handcuffs and brought him toward the patrol car, § 87(2)(b) re-approached the officers from across the street. PO Skyers-Anderson felt that § 87(2)(b) was angry that they were placing § 87(2)(b) under arrest. § 87(2)(b) stood within two feet of PO Bulzoni, waved a pointed hand in his face, and said, “You’re always around here harassing us. He’s my friend. You guys are assholes.” PO Bulzoni asked § 87(2)(b) to step away. § 87(2)(b) responded, “Fuck the cops, I don’t care.” PO Skyers-Anderson finished placing § 87(2)(b) in a patrol car, and it was then that PO Bulzoni placed § 87(2)(b) in handcuffs. PO Skyers-Anderson did not assist him in doing so. No other officer was physically involved in placing § 87(2)(b) under arrest. PO Bulzoni asked § 87(2)(b) to turn around, which he did, and pulled his hands behind his back in order to put him in handcuffs. No other physical force was used against him, and there was no fighting. § 87(2)(b) was not placed against a car at any point, and no one jumped on him from behind. § 87(2)(b) was compliant and did not resist arrest. PO Skyers-Anderson requested that another unit respond to the scene to transport one of the prisoners, and PO Stickney and PO Parkinson responded to the scene.

At the time of his arrest § 87(2)(b) was carrying a bag of Chinese food. PO Skyers-Anderson allowed § 87(2)(b) brother, § 87(2)(b) to take the food, out of courtesy. § 87(2)(b) wanted his brother to take the rest of his property. § 87(2)(b) approached his brother and the officers to take § 87(2)(b)’s property. § 87(2)(b) came within five feet of his brother, and PO SKyers-Anderson ordered him to step back. She explained that he could collect his brother’s belongings at the precinct, but could not take them at the location. PO Skyers-Anderson stated that no officer on the scene, including herself, threatened to arrest § 87(2)(b) at this time. No one touched him, and no one used any force on him, nor was any force necessary.

§ 87(2)(b) was taken to the 71st Precinct station house where a warrant check was conducted, and he was later released with a summons for disorderly conduct. While § 87(2)(b) was at the precinct, his mother, § 87(2)(b) spoke with PO Bulzoni for some time about her son’s arrest. § 87(2)(b) was also present, as was PO Skyers-Anderson, though she did not speak with them. PO Bulzoni tried to explain to § 87(2)(b) that they were trying to protect her neighborhood, and § 87(2)(b) response to their actions was inappropriate. PO Bulzoni did not speak with § 87(2)(b). During the conversation § 87(2)(b) became upset, and his mother asked him to leave. PO Bulzoni did not react to or speak to § 87(2)(b) but instead continued speaking with § 87(2)(b). PO Bulzoni did not ask him to leave the station house, nor did he threaten to arrest him.

Officer Statement: PO Sasha Diaz

PO Sasha Diaz appeared at the CCRB on May 23, 2008 (encl. 11C-D). She is a Hispanic female with brown hair and blue eyes. She is 5'5" tall and weighs 145 pounds. On April 5, 2008, she was in uniform and worked as the telephone switchboard operator in the 71st Precinct station house from 5:30 PM until 2:05 AM. At the time of her interview, she had been a member of service for 15 months. PO Diaz had no entries in her memo book regarding this incident (encl. 11A-B).

On the evening of April 5, 2008, PO Diaz exited the precinct to smoke a cigarette. A heavyset black woman in her mid-40's approached her, said that her son had been arrested, and asked to whom she should speak. PO Diaz told the woman to speak to the desk officer inside the station house. The woman thanked PO Diaz, recorded her name and shield number, and entered the station house. PO Diaz finished smoking her cigarette, went to the ladies' room, and returned to the telephone switchboard desk. She did not see the woman again. PO Diaz stated that she did not witness PO Bulzoni or PO Skyers-Anderson speaking with any civilians in the station house, nor did she witness either of them threaten to arrest anyone on that evening. PO Diaz spent the entirety of her tour inside the 71st Precinct station house, and did not witness the arrest of § 87(2)(b).

Officer Statement: PO Paul Parkinson

PO Parkinson appeared at the CCRB on October 1, 2008 (encl. 13D-E). He is a § 87(2)(b)-old black male with black hair, brown eyes, and a Caribbean accent. He is 6'2" tall and weighs 270 pounds. On April 5, 2008, he was assigned to precinct conditions in marked patrol car #4499 with PO Stickney. He was in uniform, and worked from 5:30 PM until 2:05 AM the following morning. At the time of his interview, he had been a member of service for over four years. PO Parkinson had no entries in his memo book related to this incident (encl. 13A-C).

PO Parkinson initially said that he did not have an independent recollection of the incident. After the investigator described the incident to him, PO Parkinson said that he responded to the location to assist PO Bulzoni. When he arrived, PO Bulzoni was in the process of placing several individuals under arrest. PO Parkinson did not remember any further details about the incident, nor could he describe any of the arrested individuals. PO Parkinson was shown a photograph of § 87(2)(b) but he did not recognize him, remember interacting with him, or remember seeing other officers interact with him. He did not see PO Bulzoni or any other officer at the location use physical force against a civilian, and could not recall any interaction occurring between a civilian and an officer at the location. He also did not remember any individual approaching an arrested individual to obtain property, nor did he remember officers pushing anyone away from any of the arrested individuals.

PO Parkinson stated that he was not involved in placing anyone under arrest at the location. He did not remember whether his partner placed anyone under arrest at the location. PO Parkinson did not use any physical force against civilians at the location, nor did he push anyone against a vehicle or threaten to arrest anyone. He did not see his partner use force against or threaten to arrest anyone at the location. He did not remember asking anyone for identification at the location. After leaving the location, PO Parkinson returned to the 71st Precinct stationhouse to finish processing an arrest he had made earlier. He did not hear any conversation between PO Bulzoni and civilians at the stationhouse, nor did he hear PO Bulzoni threaten to arrest anyone at the stationhouse.

Officer Statement: PO Brian Stickney

PO Stickney appeared at the CCRB on October 1, 2008 (encl. 12C-D). He is a § 87(2)(b)-old white male with brown hair and brown eyes. He is 6'0" tall and weighs 200 pounds. On April 5, 2008, PO Stickney worked from 5:30 PM until 2:05 AM the following day with PO Parkinson. They were assigned to precinct conditions, and they patrolled in RMP# 4499, which is a marked car. At the time of his interview, he had been a member of service for over three years. He did not have any entries in his memo book regarding this incident (12A-B).

PO Stickney had the following entries in his memo book:
"2010: one under 1037 Nostrand Ave.; 0100 98."

PO Stickney did not have an independent recollection of this incident. He was not sure if he was present at the location. According to his memo book, he had made an arrest on Nostrand Avenue at 8:10 PM that evening, so he was most likely at the stationhouse processing this arrest, though he could not be sure. The investigator described the incident to PO Stickney, but he still did not remember being involved. PO Stickney did not recognize a picture of § 87(2)(b). He could not recall seeing PO Bulzoni interact with any civilians, either at the location or in the stationhouse on that day. PO Stickney had no recollection of responding to the location.

Officers not Interviewed

§ 87(2)(b) stated that an officer in a white uniform shirt transported him to the 71st Precinct stationhouse. § 87(2)(g)

Medical Records (encl. 14A-H)

§ 87(2)(b) went to the § 87(2)(b) on § 87(2)(b). He informed medical personnel that he had been assaulted and had sustained an injury to his chest, right shoulder, right wrist, and right hand. § 87(2)(b) stated that he sustained these injuries while in police custody. The medical records reflect that he informed personnel that he had sustained a blow and been pushed. He had no lacerations or fractures. A physical examination revealed mild tenderness in his right shoulder and right wrist. § 87(2)(b) was diagnosed with contusions on his right arm and chest. § 87(2)(b) was given ibuprofen and directed to apply ice to the affected areas.

§ 87(2)(b) sought treatment at the § 87(2)(b) on § 87(2)(b). He complained of mild pain to his right hand caused when police officers twisted his wrist while placing him under arrest. Medical personnel observed that § 87(2)(b) right hand was tender, but there was no visible swelling and no lacerations. § 87(2)(b) refused to take any pain medication. He was instructed to rest his hand and wear an elastic bandage around his wrist.

Communication Records

SPRINT

A request for communication records related to this incident yielded negative results.

Police Documents

Roll Call (encl. 16A-H)

The 71st Precinct's Tour 3 roll call for April 5, 2008, indicates that PO Bulzoni and PO Skyers-Anderson were assigned to conditions and patrolling in RMP 5784. PO Parkinson and PO Stickney were assigned to conditions as well and patrolled in RMP 4499. PO Diaz is listed as having worked as a lieutenant's operator in RMP 2391.

Command Log (encl. 17A)

According to the 71st Precinct's command log, it appears that an officer began to record § 87(2)(b) arrest, and then crossed it out. There is no other mention of § 87(2)(b) in the command log. At 8:50 PM, the log notes that PO Bulzoni arrived at the station house with § 87(2)(b), whom he had arrested for § 87(2)(b) at § 87(2)(b).

Prisoner Holding Pen Roster (encl. 18A-B)

There is no record of § 87(2)(b) having been detained in the 71st Precinct's prisoner holding pen roster.

§ 87(2)(g)

Status of Summons (encl. 19A-B)

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian Criminal Conviction History

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Officer History (encl. 2A)

The CCRB has never substantiated an allegation of misconduct against PO Frank Bulzoni.

Notice of Claim

As of January 30, 2008, no notice of claim has been filed regarding this incident.

Conclusions and Recommendations

Officer Identification

§ 87(2)(b) and § 87(2)(b) statements regarding who initially questioned § 87(2)(b) are inconsistent. § 87(2)(b) asserted that a uniformed black male officer initially approached him, and asked for his identification. § 87(2)(b) stated that two white male officers approached and spoke with § 87(2)(b) one of whom he identified as the officer he later spoke with in the precinct, PO Frank Bulzoni. PO Bulzoni acknowledged interacting with § 87(2)(b) just prior to arresting him, and stated that he requested his identification. PO Skyers-Anderson's account corroborated this version of the events. § 87(2)(g)

§ 87(2)(b) asserted that a black male officer and 2-3 additional officers whom he could not describe jumped on him from behind. § 87(2)(b) however, claimed that two white male officers, one of whom has been identified through investigation as PO Bulzoni, turned § 87(2)(b) around and placed him in handcuffs. PO Bulzoni acknowledged pulling § 87(2)(b) hands behind his back and placing him under arrest; PO Skyers-Anderson corroborated his account. § 87(2)(g)

§ 87(2)(b) alleged that officers pushed him against a car and twisted his wrist while placing him in handcuffs; he did not know what officers did this. PO Bulzoni acknowledged physically placing § 87(2)(b) under arrest. § 87(2)(g)

§ 87(2)(b) alleged that a white male officer spoke with him and his mother in the stationhouse, and threatened to arrest him. § 87(2)(b) identified this officer as § 87(2)(b) arresting officer. PO Bulzoni placed § 87(2)(b) under arrest, and acknowledged having a lengthy conversation with § 87(2)(b) and § 87(2)(b) in the stationhouse. § 87(2)(g)

Undisputed Facts

It is undisputed that PO Bulzoni and PO Skyers-Anderson were in the process of effecting an arrest when § 87(2)(b) approached and interacted with them. It is undisputed that he left the immediate area, and within a short time returned. It is undisputed that he was placed under arrest for disorderly conduct and transported to the 71st Precinct stationhouse. It is undisputed that PO Bulzoni issued § 87(2)(b) a summons and released him later that evening.

Disputed Facts

§ 87(2)(g)

Assessment of Evidence

§ 87(2)(b) stated that immediately prior to his arrest a 35-year-old black male who was 6'2" tall and weighed 235 pounds approached him and requested his identification. § 87(2)(b) asserted that two white male officers, one of whom the investigation identified as PO Frank Bulzoni, approached and spoke with § 87(2)(b). Both PO Bulzoni and PO Skyers-Anderson stated that it was PO Bulzoni who interacted with and spoke with § 87(2)(b) immediately prior to his arrest. In addition, PO Bulzoni acknowledged requesting § 87(2)(b) identification at that time. § 87(2)(g)

§ 87(2)(b) maintained that he behaved in a calm and non-threatening manner during the incident. PO Bulzoni and PO Skyers-Anderson both asserted that § 87(2)(b) approached them, made a remark along the lines of "fucking cops," and more specifically protested the arrest they were conducting. § 87(2)(g) Both stated that they told § 87(2)(b) to leave, and that he complied. PO Skyers-Anderson and PO Bulzoni also stated that he returned within a short time, continued cursing, protested their presence in the neighborhood and the arrest of his friend, and waved his hand in PO Bulzoni's face while standing within an arm's length of him. Both § 87(2)(b) and § 87(2)(b) saw § 87(2)(b) speaking with some officers, but neither could hear the conversation. § 87(2)(g)

§ 87(2)(b) alleged that 3-4 officers jumped on him from behind, pushed him against a car, and placed him in handcuffs. § 87(2)(b) stated that two white male officers turned § 87(2)(b) around, pushed him against a car, and then placed him in handcuffs. § 87(2)(b) stated that she saw Officers pressing § 87(2)(b) against a car during his arrest. PO Bulzoni and PO Skyers-Anderson both testified that PO Bulzoni pulled § 87(2)(b) hands behind his back, and that no officers jumped on § 87(2)(b) from behind. § 87(2)(g)

After § 87(2)(b) arrest, § 87(2) and § 87(2)(b) spoke with PO Bulzoni inside the 71st Precinct stationhouse. § 87(2)(b) stated that he made a provocative remark to PO Bulzoni and that his mother instructed him to leave the stationhouse. § 87(2)(b) alleged that PO Bulzoni said, "If I see you in here again I'm locking you up." § 87(2)(g) She alleged during her CCRB interview that PO Bulzoni threatened to throw § 87(2)(b) out of the stationhouse, though during her initial statement to the CCRB she remembered PO Bulzoni saying that he would arrest him if he did not leave. PO Skyers-Anderson stated that she stood next to PO Bulzoni as he spoke with § 87(2)(b) and that during this conversation § 87(2)(b) became upset. As a result, § 87(2)(b) told § 87(2)(b) to leave. PO Skyers-Anderson stated that PO Bulzoni did not speak with § 87(2)(b) react when he became upset, or threaten to arrest him. PO Bulzoni's testimony was consistent with that of PO Skyers-Anderson. § 87(2)(g)

§ 87(2)(g) [REDACTED]

Allegations not Pleaded

§ 87(2)(g) [REDACTED]

§ 87(2)(b) [REDACTED] stated that subsequent to his brother's arrest, he approached § 87(2)(b) [REDACTED] with the intention of obtaining his property. PO Skyers-Anderson ordered him to step back, and while § 87(2)(b) [REDACTED] was still moving forward, an officer identified through investigation as PO Paul Parkinson placed his hand on his chest and pushed, thus stopping § 87(2)(b) [REDACTED] forward motion. § 87(2)(b) [REDACTED] did not stumble or fall as a result of this contact, and had no injuries as a result. § 87(2)(g) [REDACTED]

[REDACTED]

Allegation A: PO Bulzoni questioned § 87(2)(b) [REDACTED]

§ 87(2)(g) [REDACTED]

Allegation B: PO Bulzoni stopped § 87(2)(b) [REDACTED]

§ 87(2)(g) [REDACTED]

Allegation C: PO Bulzoni used physical force against § 87(2)(b) [REDACTED]

§ 87(2)(g) [REDACTED]

Allegation D: PO Bulzoni threatened to arrest § 87(2)(b)

§ 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: